

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 09 Cr. 1120 (PKC)
UNITED STATES OF AMERICA

v.

HAN CAVAN,

Defendant.

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**AFFIDAVIT OF HAN CAVAN IN
SUPPORT OF MOTION TO
DISMISS PURSUANT TO
F. R. Cr. P. 12(b)(3)(A)(iii); 48(b)(3)**

HAN CAVAN, being duly sworn, declares the following under penalties of perjury:

1. My name is HAN CAVAN, and I am the defendant in this matter.
2. I am providing this affidavit in support of the Motion to Dismiss my indictment.
3. I am now, and was on all dates provided herein, a citizen of Canada.
4. On June 30, 2006, I pleaded guilty in the United States District Court for the District of Minnesota, case number 06 Cr. 92 (DWF), to Count One of the indictment, which charged me with violating the narcotics laws of the United States under 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).
5. On November 20, 2006, I was sentenced on that case to a term of 117 months' incarceration to be followed by three years of Supervised Release.
6. On June 26, 2008, I was transferred to Canada to serve the remainder of my sentence, pursuant to the bilateral treaty between the United States of America and Canada allowing for the transfer of prisoners who are nationals or citizens of the receiving country.
7. Approximately six weeks following my return to Canada, I was granted

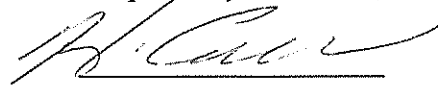
accelerated day parole.

8. As a condition of my day parole, I was required to reside at a Salvation Army residence in Kitchener, a city in Ontario, Canada, in addition to the other conditions of my day parole.
9. On October 2, 2009, the Parole Board of Canada granted me accelerated full parole.
10. As a condition of my full parole, I was required to reside at a designated address in Kitchener, and I was supervised by the Parole Office in Guelph, a city in Ontario, Canada.
11. On or about November 26, 2009, I was arrested when I reported as scheduled to the Guelph Parole Office, pursuant to a warrant suspending my parole, which, in turn, was based on the filing of the instant indictment on November 19, 2009, and information provided by the U.S. Drug Enforcement Administration.
12. Approximately ten weeks following the suspension of my parole, the Parole Board of Canada revoked my parole based on the allegations in the instant indictment.
13. As a result of the suspension of my parole, I was committed to custody with a sentence expiration date of July 27, 2015.
14. I remained incarcerated in Canada, serving my U.S.-imposed sentence, from the date of my arrest on the parole warrant in November 2009, until my extradition to the United States on or about November 5, 2015.
15. Despite my incarceration starting in late November 2009 in Canada on the U.S.-imposed sentence, the United States, and despite the fact that the instant

indictment was filed on November 19, 2009, the United States failed to make a formal request for my extradition until almost three years later, on September 14, 2012.

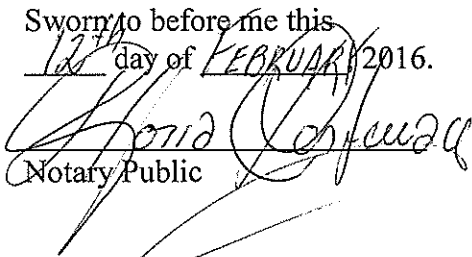
16. On March 1, 2013, I was arrested based on the extradition request while I was incarcerated on my U.S.-imposed sentence.
17. On June 7, 2013, I consented to my committal for surrender to the United States, and a judge of the Superior Court of Justice ordered my committal.
18. My Attorney, John Norris, then made submissions, in which he argued, primarily that the undue and excessive delay in requesting my extradition, as well as my incarceration for almost three years between my arrest on the parole warrant and the request by the United States for my extradition violated my rights.
19. On October 2, 2015, the Court of Appeal For Ontario issued its decision rejecting the claims raised by Mr. Norris and affirming the decision of the Minister of Justice to surrender me to the United States.
20. On or about November 5, 2015, I was extradited to the United States.

Respectfully submitted,



Han Cavan

Sworn to before me this
12th day of FEBRUARY 2016.


Notary Public

GLORIA DORFMAN
Commissioner of Deeds, City of New York
No. 1-6891
Cert. Filed in New York County
Commission Expires Aug. 1, 2017